

Senate Study Bill 1111

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to enforcement of prohibitions against the use of
2 heavy metals in packaging and packaging components and
3 providing a civil penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1401DP 82
6 tm/sh/8

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1 1 Section 1. Section 455D.19, subsection 8, Code 2007, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:
1 4 8. The commission or the director may issue any order
1 5 necessary to secure compliance with or prevent a violation of
1 6 a provision of this section or a rule adopted pursuant to this
1 7 section. The attorney general shall, upon request by the
1 8 department, institute any civil or criminal legal proceeding
1 9 necessary to obtain compliance with an order of the commission
1 10 or director or to prosecute a person for a violation of a
1 11 provision of this section or a rule adopted pursuant to this
1 12 section.

1 13 Unless otherwise provided in this section, a person who
1 14 violates a provision of this section, a rule adopted pursuant
1 15 to this section, or a condition of a permit or order issued
1 16 pursuant to this section shall be subject to a civil penalty
1 17 not to exceed five thousand dollars for each day of such
1 18 violation.

1 19 EXPLANATION

1 20 This bill relates to enforcement of prohibitions against
1 21 the use of heavy metals in packaging and packaging components.

1 22 Currently, if a manufacturer or distributor does not comply
1 23 with prohibitions against the use of heavy metals in packaging
1 24 and packaging components, the manufacturer or distributor is
1 25 guilty of a simple misdemeanor.

1 26 The bill provides that the environmental protection
1 27 commission or the director of the department of natural
1 28 resources may issue any order necessary to secure compliance
1 29 with or prevent a violation of the prohibitions against the
1 30 use of heavy metals in packaging and packaging components.
1 31 The bill provides that the attorney general shall, upon
1 32 request by the department, institute any civil or criminal
1 33 legal proceeding necessary to obtain compliance with an order
1 34 of the commission or director or to prosecute a person for a
1 35 violation of the prohibitions.

2 1 The bill provides that a person who violates a prohibition
2 2 against the use of heavy metals in packaging and packaging
2 3 components shall be subject to a civil penalty not to exceed
2 4 \$5,000 for each day of such violation.

2 5 LSB 1401DP 82

2 6 tm:rj/sh/8